

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

In re:

F&N CONSTRUCTION INC.,
a West Virginia corporation,

Debtor in Possession.

Case No. 5:08-bk-50215

Chapter 11

Judge Ronald G. Pearson

**AGREED ORDER APPROVING APPLICATION OF THE DEBTOR FOR
AUTHORIZATION TO EMPLOY AUSTIN CAPERTON AND CAPERTON
ENERGY COMPANY AS SALES CONSULTANTS**

This matter comes before the Court on the Application of the Debtor for Authorization to Employ Austin Caperton and Caperton Energy Company as Sales Consultants (the "Application"), filed by Debtor in Possession, F&N Construction, Inc. ("F&N" or the "Debtor"), by counsel, Bailey & Glasser, LLP on September 14, 2008. F&N seeks the entry of an order approving Austin Caperton and Caperton Energy Company (together, "Caperton") to act as a sales consultant to F&N and the bankruptcy estate pursuant to 11 U.S.C. § 327 and Rule 2014 of the Federal Rules of Bankruptcy Procedure. There being no objection, noting the agreement of the undersigned parties, by counsel and finding good cause, it is hereby:

ORDERED, that the Application is **GRANTED**; it is further,

ORDERED, that F&N is authorized to retain Caperton to act as a sales consultant in connection with all sale matters presented in this case, *nunc pro tunc* to September 9, 2008, including the services set forth in the Application; and it is further,

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ORDERED, that the terms of employment and compensation as set forth in the Application are approved and that Caperton will make application for reasonable compensation in accordance with the Bankruptcy Code, Bankruptcy Rules and any applicable local rules and the Application.

It is SO ORDERED.

ENTER: OCT 24 2008



United States Bankruptcy Judge

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